

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

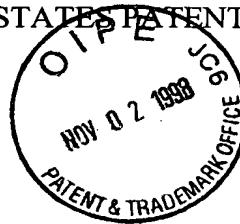
In re the Application of

Jean-Noel THOREL et al.

Application No.: 08/860,231

Filed: July 25, 1997

For: NUTRIENT MEDIUM WHICH CAN BE USED AS A CULTURE MEDIUM FOR
EPIDERMAL CELLS AND APPLICATIONS



Group Art Unit: 1651

Examiner: J. Witz

Docket No.: WPB 39818

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated October 1, 1998, Applicants elect Group I, claims 19-21, 23-38, 41, and 42, for prosecution, *with* traverse. The grounds for traversal are as follow.

The Restriction Requirement asserts that the inventions listed as Groups I-III do not relate to a single general inventive concept because they lack the same or corresponding special technical features. Initially, the Restriction Requirement asserts that there is no special technical feature between Groups I and II because fewer components are required for the composition of Group I versus that of Group II. Contrary to this assertion, Applicants submit that the claims of Group I recite a composition comprising A) a complex nutrient medium, and B) at least one additional component. The claims of Group II recite the same compositions as recited in Group I (comprising A) a complex nutrient medium, and B) at least one additional component). The claims of Group II merely further define A -

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compositional nature of the complex nutrient medium recited in Group I. Thus, contrary to the assertion of the Restriction Requirement, Group I does not require fewer components than Group II, but merely recites the components in broader terms.

The Restriction Requirement next asserts that there is no special technical feature between Groups I and III, and between Groups II and III. In response, Applicants submit that the special technical feature that the three Groups have in common is a composition that does not comprise a biological extract of animal or cellular origin, or a living, nourishing substrate, yet still supports *in vitro* growth of human epidermal keratinocytes with at least one clonal proliferation in the first passage. Claims from all three of the Groups set forth in the Restriction Requirement recite this special technical feature.

Therefore, because the claims of Group II do not recite more components than Group I, and because all three Groups relate to the same special technical feature, Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement.

Respectfully submitted,



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